



10-02-06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wallace D. Sanger
Serial No. : 09/776,005
Filed: February 2, 2001
For: METHOD OF FORMING CONCRETE BUILDING MODULES
Examiner: Steve M. Varner Group: 3635

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

AND IN THE ALTERNATIVE

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Commissioner of Patents
and Trademarks
Alexandria, Virginia 22313-1450

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Applicant, by and through his undersigned counsel, hereby petitions to the Commissioner of Patents and Trademarks to withdraw the holding of abandonment in the above-identified patent application. In support of this Petition, Applicant states:

In summary, applicant filed an Amendment After Final Rejection (Amendment) on April 2, 2004 which placed the application in a condition for allowance, because the Amendment simply accepted allowed claims in a December 2, 2003 final Office Action and canceled all rejected claims. The only issue with the Amendment itself was that it included the text of the canceled claims, contrary to what at that time was a relatively recent rule, but an Official Gazette (OG) Notice of July 5, 2005 addresses and interprets this rule and states that Amendments containing the text

of canceled claims should be accepted. Nevertheless, on February 6, 2006, a second Notice of Abandonment was mailed, which is the subject of this Petition, checking the box stating "A proposed reply was received on 07 April 2004, but it does not constitute a proper reply..." . (A first Notice of Abandonment had been mailed erroneously months earlier, as explained below, for a different reason.)

After the Amendment was filed on April 2, 2004 (copy enclosed), there was an almost two year delay in processing and responding to the Amendment, for two reasons. FIRST, the Amendment was separated from the file within the Patent Office, resulting in the first Notice of Abandonment dated August 27, 2004 (copy attached), checking the box stating that "No reply has been received". The below signed remembers speaking to the examiner about this initial abandonment. The Amendment ultimately was matched with the file. Yet, inexplicably, no withdrawal of this holding of abandonment for failure to respond apparently was ever entered. SECOND, although the Amendment had been matched with the file, again inexplicably, no action was taken on it until February 6, 2006, when the current Notice of Abandonment was mailed (which the below signed did not receive at that time). Although the first abandonment was not formally withdrawn, the fact that the current Notice was mailed several months later and indicates noncompliance rather than nonreceipt of the response certainly indicates that the timely filed Amendment was located, so that the first Notice for failure to respond was sent in error and had ceased to be an issue.

Once again, the February 6, 2006 Notice of Abandonment states that a "proper reply" was not received. Yet Amendment simply accepted allowed claims and canceled rejected claims, and the inclusion of the text of the canceled claims was not a valid basis for nonacceptance, according to the July 5, 2005 OG (copy attached) which states that:

"[T]he Office hereby waives the provision of 37 CFR 1.121(c) (4) (I) that no claim text shall be presented for "canceled" or "not entered" claims. Accordingly, the Office will accept amendments that include the text of a canceled claim, or a not entered claim, if the amendment otherwise complies with 37 CFR 1.121, including the use of proper status identifier "canceled" or "not entered," respectively." (Emphasis added)

The below signed has recently telephoned the author of this OG Notice, and although as a formal matter she could only suggest reading the Notice itself, she did indicate her impression that the Notice would apply at the time at the Amendment was evaluated. The finding of lack of a "proper" reply first appeared in the present February 6, 2006 Notice of Abandonment, a full six months after publication of the above OG Notice.

Conclusion

In conclusion, the Amendment did place the application in a condition for allowance, because it simply accepted the allowed claims and canceled the rejected claims, and the inclusion of the text of the canceled claims should not have prevented acceptance of the Amendment according to the OG Notice. Thus holding of abandonment ever should have been entered, and applicant respectfully requests that the holding of abandonment be WITHDRAWN.

ALTERNATIVE PETITION TO REVIVE

AND IN THE ALTERNATIVE, pursuant to 37 C.F.R. 1.137(b), Applicant, by and through his undersigned counsel, hereby petitions to the Commissioner of Patents and Trademarks to revive the above-identified patent application. In support of this Petition, Applicant states:

1. That the subject application became abandoned for submission of an Amendment in response to the Final Office Action dated December 2, 2003, because this April 2, 2004 Amendment After Final was found to be non-compliant and the application simultaneously declared abandoned on February 6, 2006.

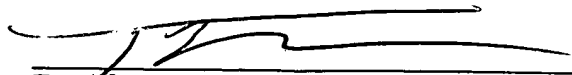
2. That the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.

3. This Petition is accompanied by a petition fee pursuant to 37 C.F.R. 1.17(m), which for a small entity is \$750.00. Applicant has previously qualified for small entity status, and accordingly, authorization is given to charge this fee to deposit account number 15-0550, in the event that the Petition for Withdrawal of Abandonment sent with this Petition is not granted.

4. A REVISED Amendment After Final Rejection is enclosed with this Petition.

5. WHEREFORE, Applicant respectfully requests that the Commissioner of Patents grant this Petition and revive the unintentionally abandoned application.

Respectfully submitted,



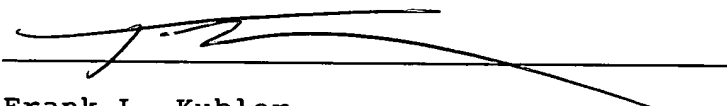
Frank L. Kubler
13261 S.W. 54th Court
Miramar, Florida 33027
Telephone: (305) 829-1869

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL NO.

EQ 389 642 236 US

in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 29, 2006.



Frank L. Kubler
Registration No. 32,738
13261 S.W. 54th Court
Miramar, Florida 33027

Telephone: (305) 829-1869

Dated: September 29, 2006

Applicant: Wallace D. Sanger
Serial No. : 09/776,005
Filed: February 2, 2001
For: METHOD OF FORMING CONCRETE BUILDING MODULES
Examiner: Steve M. Varner Group: 3635

{ Wallace D. Sanger
09/776,005
February 2, 2001

Exhibits to: Petition
For withdrawal of Holding of
Abandonment

And in the Alternative

Petition to Revive

filed 9/29/06

United States Patent and Trademark Office OG Notices: 05 July 2005

Acceptance of Certain
Non-Compliant Amendments
Under 37 CFR 1.121(c)

Effective immediately, the Office is waiving certain requirements set forth in 37 CFR 1.121(c) and may accept non-compliant amendments under 37 CFR 1.121(c) where the non-compliance is limited to: 1) the inclusion of text of a canceled claim, or a not entered claim, and 2) use of certain variations of status identifiers in a claim listing. The Office revised the amendment practice set forth in 37 CFR 1.121 in a final rule that became effective July 30, 2003. See Changes to Implement Electronic Maintenance of Official Patent Application Records, 68 Fed. Reg. 38611 (June 30, 2003), 1272 Off. Gaz. Pat. Office 197 (July 29, 2003). Although the revised amendment practice has been in effect for over 18 months, the Office is still receiving an unexpectedly high number of non-compliant amendments. Correction of the non-compliant items causes extra work for applicants, examiners and the Office's Technical Support Staff, delays prosecution and increases pendency of applications. Upon review, the Office has determined that some of the requirements of 37 CFR 1.121 are not essential and that waiver of certain provisions of 37 CFR 1.121 will still allow an examiner to clearly understand exactly what amendments have been made in an Image File Wrapper application. The Office will propose changes to 37 CFR 1.121 consistent with this notice in a rule making in due course.

37 CFR 1.121(c)(4)(i) provides that no claim text shall be presented for any claim in the claim listing with the status identifier "canceled" or "not entered." Claims that are indicated as "canceled" or "not entered" are not pending in the application and such text will be disregarded by the Office. Therefore, the Office hereby waives the provision of 37 CFR 1.121(c)(4)(i) that no claim text shall be presented for "canceled" or "not entered" claims. Accordingly, the Office will accept amendments that include the text of a canceled claim, or a not entered claim, if the amendment otherwise complies with 37 CFR 1.121, including use of the proper status identifier "canceled" or "not entered," respectively. Even though the Office will accept an amendment that includes the text of a canceled claim, or a not entered claim, applicants should comply with 37 CFR 1.121(c)(4)(i) by not providing the text of a canceled claim or a not entered claim.)) *

37 CFR 1.121(c) provides that, in the complete claim listing of all claims ever presented, the status of every claim must be indicated after its claim number by using one of the following identifiers in parentheses: Original, Currently amended, Canceled, Withdrawn, Withdrawn-currently amended, Previously presented, New, and Not entered. Many applicants continue to use status identifiers that are not provided for in 37 CFR 1.121(c). The Office wants to reduce the burden on both the applicants and the Office and avoid delays in processing that result from holding an amendment non-compliant when the only non-compliance is the use of certain status identifiers that are not provided in 37 CFR 1.121(c) and which are determined to be clear and accurate by the Office. Therefore, the Office hereby waives the provision in 37 CFR 1.121(c) that the status of the claims must be indicated by one of the status identifiers listed in 37 CFR 1.121(c) to the extent permitted in this notice.

The Office will accept claim listings that include the alternative status identifiers set forth in the following table if the amendment otherwise complies with 37 CFR 1.121.

Table of status identifiers set forth in 37 CFR 1.121(c) and acceptable alternatives

Status Identifiers Set Forth in 37 CFR 1.121(c)	Acceptable Alternatives
1. Original	Original Claim; and Originally Filed Claim
2. Currently amended	Presently amended; and Currently amended claim

3. Canceled	Canceled without prejudice; Cancel; Cancelled; Canceled herein; Previously cancelled; Canceled claim; and Deleted
4. Withdrawn	Withdrawn from consideration; Withdrawn - new; Withdrawn claim; and Withdrawn-currently amended (see note below)
5. Previously presented	Previously amended; Previously added; Previously submitted; and Previously presented claim
6. New	Newly added; and New claim
7. Not entered	Not entered claim

Note: 37 CFR 1.121(c) sets forth that "Withdrawn - currently amended" is an acceptable variation of the status identifier "Withdrawn" for a withdrawn claim that is currently amended.

Additionally, the Office may also accept other variations of the status identifiers provided in 37 CFR 1.121(c) when the examiner determines that the status identifier used by applicant clearly and accurately designates the status of the claim.

Applicants should make every effort to comply with all of the requirements of 37 CFR 1.121, such as the use of the status identifiers provided in 37 CFR 1.121(c) in a complete claim listing, to reduce processing delays. The Office may continue to refuse to accept an amendment that does not otherwise comply with 37 CFR 1.121 or includes a status identifier which, in the opinion of the examiner, fails to clearly and accurately designate the status of a claim.

Inquiries concerning this memorandum may be directed to Elizabeth Dougherty or Eugenia Jones, Senior Legal Advisors in the Office of Patent Legal Administration, at (571) 272-7703 or PatentPractice@uspto.gov.

June 6, 2005

JOSEPH J. ROLLA
Deputy Commissioner for
Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,005	02/02/2006	Wallace D. Sanger		7435

7390 02/06/2006
FRANK L. KUBLER
13261 S. W. 54th Court
Miramar, FL 33027

EXAMINER

CANFIELD, ROBERT

ART UNIT PAPER NUMBER

3633

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/776,005

Applicant(s)

SANGER, WALLACE D.

Examiner

Art Unit

Robert J. Canfield

3635

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 December 2003.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☒ A proposed reply was received on 07 April 2004, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

The After-Final Amendment received on 04/07/04 failed to comply with 37 CFR 1.121(c)(4)(i)

Robert J. Canfield
Primary Examiner
Art Unit 3635

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060201

Application/Control Number: 09/776,005

Page 2

Art Unit: 3635

1. The after-final Amendment received 04/07/04 failed to comply with 37 CFR 1.121(c)(4)(i). Since no new time period may be granted if a non-compliant amendment is an after-final amendment or an amendment filed after allowance and the time period for response to final Office action has expired, the application is properly abandoned. Applicant may wish to consider a petition to revive under 37 CFR 1.137.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
Art Unit 3635



02/01/06



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,005	02/02/2001	Wallace D. Sanger		7435

7590 08/27/2004
FRANK L. KUBLER
13261 S. W. 54th Court
Miramar, FL 33027

EXAMINER

VARNER, STEVE M

ART UNIT PAPER NUMBER

3635

DATE MAILED: 08/27/2004

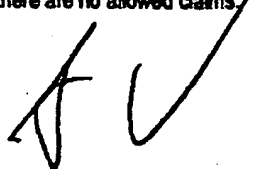
Please find below and/or attached an Office communication concerning this application or proceeding.

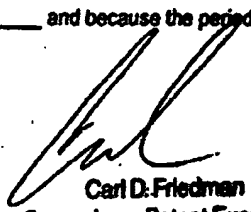
Notice of Abandonment	Application No.	Applicant(s)	
	09/776,005	SANGER, WALLACE D.	
	Examiner	Art Unit	
	Steve M Varner	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 December 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:




 Carl D. Friedman
 Supervisory Patent Examiner
 Group 3600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Patent

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

A-MODMTH.RE3

Applicant: Wallace D. Sanger

Serial No. : 09/776,005

Filed: February 2, 2001

For: METHOD OF FORMING CONCRETE BUILDING MODULES

Examiner: Steve M. Varner Group: 3635 Paper Number: 12

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Amendment After Final Rejection

Responsive to the Office Action of December 2, 2003, the
following remarks are submitted, beginning on the following page:

COPY

Filed on April 2, 2004

CLAIMS:

1. (Cancelled) A method of constructing a concrete module, comprising the steps of:

forming two pitch walls, each said pitch wall having a wall upper end angled to define a building roof pitch and an upper peak having a beam receiving notch, having a shorter lateral end and a longer lateral end, and a wall lower end, and having a notch at the intersection of the lower lateral end and the angled wall upper end;

forming a linking wall having two linking wall lateral ends substantially matching the height of the pitch wall shorter lateral ends;

providing a floor form platform having a horizontal platform surface and an upright floor form rail;

placing the two pitch walls and the linking wall on a floor form platform such that the pitch wall longer lateral ends are each abutting and substantially perpendicular to the floor form rail and the pitch wall shorter lateral ends are adjacent to one of the linking wall lateral ends such that the pitch walls both extend in the same direction from and are substantially perpendicular to the linking wall, and the pitch walls, linking wall and floor form rail together enclose a region of the horizontal platform surface to define a floor form;

pouring uncured concrete into the floor form;

permitting the concrete within the floor form to cure and define a module floor joined to the pitch walls and linking wall;

constructing a roof form with roof form support structures having planar upper surfaces angled to match the desired roof pitch to define a contiguous roof form lower wall below a distance below and adjacent to the pitch wall and linking wall upper ends and meeting the pitch walls and linking walls to define a partial roof form;

forming a concrete beam which is one of pre-stressed and post stressed;

placing the beam parallel to the linking wall and into the beam notches to complete the roof form;

and pouring uncured concrete into the roof form; permitting the concrete in the roof form to cure; removing the roof form support structures; lifting the completed module off the platform.

2. (Cancelled) The method of claim 1, comprising the additional steps of:

forming metal plates into lateral edges of the pitch walls and linking walls;

and welding the adjacent metal plates of adjacent lateral ends together to hold the walls in place prior to floor and roof forming

3. (Cancelled) The method of claim 1, comprising the additional steps of forming a mitered edge along the pitch wall shorter lateral ends forming a mitered edge along each of the linking wall lateral ends, and placing the shorter pitch wall lateral ends adjacent to the linking wall lateral ends such that

pitch wall shorter lateral ends and linking wall lateral ends meet to define mitered corners.

4. (Cancelled) The method of claim 3, wherein the step of forming a concrete wall includes the sub-steps of providing three wall forms each having a rectangular perimeter wall resting on a platform; placing reinforcing members within the wall forms, the reinforcing members including threaded first reinforcing rods having threaded rod connection ends such that the threaded rod connection ends are exposed; pouring uncured concrete into the wall forms; permitting the concrete to cure and form building walls; removing the building wall from the wall form; and additionally including the step of fastening second threaded reinforcing rods to the threaded rod connection ends of the first threaded reinforcing rods such that the second threaded reinforcing rods extend laterally into the floor form.

5. (Previously Amended) A method of constructing first and second concrete modules, comprising the steps of:

forming first, second, third and fourth pitch walls, each said pitch wall having a wall upper end and having a first lateral end and a second lateral end, and a wall lower end;

forming first and second linking walls, each said linking wall having two linking wall lateral ends;

providing a floor form platform having a horizontal platform surface and an upright floor form rail extending upwardly from said platform surface and having a first longitudinal rail side and a second longitudinal rail side;

placing said first and second pitch walls and said first linking wall on said platform surface such that the pitch wall second lateral ends of said first and second pitch walls are each abutting and substantially perpendicular to said first longitudinal rail side and the pitch wall first lateral ends of said first and second pitch walls are each adjacent to said first linking wall such that said first and second pitch walls both extend generally in the same direction from said first linking wall and are spaced apart from each other, and said first and second pitch walls, said first linking wall and said first longitudinal rail side of said floor form rail together enclosing a first region of said horizontal platform surface to define a first floor form;

placing said third and fourth pitch walls and said second linking wall on said platform surface such that the pitch wall second lateral ends of said third and fourth pitch walls are each

adjacent to said second longitudinal rail side, and the pitch wall lateral end of said third pitch wall is directly opposite the pitch wall lateral end of said first pitch wall and said third pitch wall and said first pitch wall are oriented at substantially the same angle relative to horizontal, and the pitch wall lateral end of said fourth pitch wall is directly opposite the pitch wall lateral end of said second pitch wall and said fourth pitch wall and said second pitch wall are oriented at substantially the same angle relative to horizontal, and the pitch wall first lateral ends of said third and fourth pitch walls are each adjacent to said second linking wall, such that said third and fourth pitch walls both extend generally in the same direction from said second linking wall and are spaced apart from each other, and said third and fourth pitch walls, said second linking wall and said second longitudinal rail side of said floor form rail together enclosing a second region of said horizontal platform surface to define a second floor form;

pouring uncured concrete into said first and second floor forms;

permitting the concrete within said first floor form to cure and define a first module floor joined to said first and second pitch walls and to said first linking wall, wherein said first module floor, said first and second pitch walls and said first linking wall together define a first module;

permitting the concrete within said second floor form to cure and define a second module floor joined to said third and fourth

pitch walls and to said second linking wall, wherein said second module floor, said third and fourth pitch walls and said second linking wall together define a second module;

lifting the completed said first module off said platform.

and lifting the completed said second module off said platform.

6. (Previously Added) A method of constructing a concrete module, comprising the steps of:

forming a first pitch wall and a second pitch wall, each of said first and second pitch walls having a wall upper end and having a pitch wall first lateral end and a pitch wall second lateral end and a wall lower end;

forming a linking wall having two linking wall lateral ends;

providing a floor form platform having a horizontal platform upper surface and an upright floor form rail extending upwardly from said platform surface and having a longitudinal rail side;

placing said first and second pitch walls and said linking wall on the horizontal platform upper surface of said floor form platform such that the pitch wall second lateral ends of said first and second pitch walls are each adjacent to said longitudinal rail side and the pitch wall first lateral ends of said first and second pitch walls are adjacent to said linking wall such that said first and second pitch walls both extend generally in the same direction from said linking wall and are spaced apart from each other, and said first and second pitch walls, said linking wall and said longitudinal rail side of said floor form rail together enclosing a region of said horizontal platform surface to define a floor form;

pouring uncured concrete into said floor form;

permitting the concrete within said floor form to cure and define a module floor joined to said first and second pitch walls and said linking wall, such that said module floor, said first and

second pitch walls and said linking wall together define a module;
and removing the completed module from said platform.

7. (Previously Added) A method of constructing a concrete module, comprising the steps of:

forming a first pitch wall and a second pitch wall, each of said first and second pitch walls having a wall upper end and having a pitch wall first lateral end and a pitch wall second lateral end and a wall lower end, such that said pitch wall first lateral ends are each mitered;

forming a linking wall having two linking wall lateral ends, such that said linking wall lateral ends are each mitered;

providing a floor form platform having a horizontal platform upper surface and an upright floor form rail extending upwardly from said platform surface and having a longitudinal rail side;

placing said first and second pitch walls and said linking wall on the horizontal platform upper surface of said floor form platform such that the pitch wall second lateral ends of said first and second pitch walls are each adjacent to said longitudinal rail side and such that the pitch wall first lateral ends of said first and second pitch walls are adjacent to said linking wall lateral ends with said pitch wall first lateral ends and said linking wall lateral ends meeting to define mitered corners and said first and second pitch walls both extending generally in the same direction from said linking wall and are spaced apart from each other, and said first and second pitch walls, said linking wall and said longitudinal rail side of said floor form rail together enclosing a region of said horizontal platform surface to define a floor form;

pouring uncured concrete into said floor form;

permitting the concrete within said floor form to cure and define a module floor joined to said first and second pitch walls and said linking wall, such that said module floor, said first and second pitch walls and said linking wall together define a module;

and removing the completed module from said platform.

8. (Cancelled) A method of constructing a concrete module, comprising the steps of:

forming a first pitch wall and a second pitch wall, each of said first and second pitch walls having a wall upper end and having a pitch wall first lateral end and a pitch wall second lateral end and a wall lower end, such that said pitch wall first lateral ends are each mitered;

forming a linking wall having two linking wall lateral ends, such that said linking wall lateral ends are each mitered;

providing a platform having a horizontal platform upper surface;

placing said first and second pitch walls and said linking wall on the horizontal platform upper surface of said form platform such that the pitch wall first lateral ends of said first and second pitch walls are adjacent to said linking wall lateral ends with said pitch wall first lateral ends and said linking wall lateral ends meeting to define mitered corners and said first and second pitch walls both extending generally in the same direction from said linking wall and are spaced apart from each other;

and connecting said linking wall to said first and second pitch walls.

9. (Previously Added) The method of claim 5, comprising the additional steps of:

forming metal plates into lateral edges of the pitch walls and linking walls;

and welding the adjacent metal plates of adjacent lateral ends together to hold the walls in place prior to floor and roof forming

10. (Previously Added) The method of claim 5, comprising the additional steps of forming a mitered edge along the pitch wall shorter lateral ends forming a mitered edge along each of the linking wall lateral ends, and placing the shorter pitch wall lateral ends adjacent to the linking wall lateral ends such that pitch wall shorter lateral ends and linking wall lateral ends meet to define mitered corners.

11. (Previously Added) The method of claim 10, wherein the step of forming a concrete wall includes the sub-steps of providing three wall forms each having a rectangular perimeter wall resting on a platform; placing reinforcing members within the wall forms, the reinforcing members including threaded first reinforcing rods having threaded rod connection ends such that the threaded rod connection ends are exposed; pouring uncured concrete into the wall forms; permitting the concrete to cure and form building walls; removing the building wall from the wall form; and additionally including the step of fastening second threaded reinforcing rods to the threaded rod connection ends of the first threaded reinforcing

rods such that the second threaded reinforcing rods extend laterally into the floor form.

REMARKS:

Favorable reconsideration of this application is respectfully requested.

The allowance of claims 5, 7, 9, 10, 11, and specifically of claim 6 is noted.

Claims 1-4 and 8 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Gorell, et al., in view of Thomas and Cement Association of Canada and Gonzalez Expinosa de Los Monteros and Westerlund. Claims 1-4 and 8 are cancelled.

It is respectfully requested that a Notice of Allowance be issued for the allowed claims.

Respectfully submitted,

Frank L. Kubler
13261 S.W. 54th Court
Miramar, Florida 33027
Telephone: (305) 829-1869

Dated: April 2, 2004.

COPY

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 2nd day of April, 2004.

Signed: _____

Frank L. Kubler
Reg. No. 32,738

13261 S.W. 54th Court
Miramar, Florida 33027

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Applicant: Wallace D. Sanger
Serial No. : 09/776,005
Filed: February 2, 2001
For: METHOD OF FORMING CONCRETE BUILDING MODULES
Examiner: Steve M. Varner Group: 3635 Paper Number: 12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PETITION FOR EXTENSION OF TIME

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

The applicant herewith petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office Action (Paper No. 11) mailed December 2, 2003, for a one month period from March 2, 2004 to April 2, 2004. The filing fee for this Extension in the amount of \$55.00 is enclosed. Should an additional fee be required, or a credit necessary, the Examiner is hereby authorized to charge or credit the same to the undersigned's Deposit Account, No. 15-0550.

A duplicate of this paper is attached.

Respectfully submitted,

Frank L. Kubler
Attorney for Applicant
Reg. No. 32,738

13261 S.W. 54th Court
Miramar, Florida 33027

(305) 829-1869

Dated: October 14, 2003.

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